

**REMARKS**

Claims 1 and 6-9 are pending. Reconsideration is respectfully requested in light of the following remarks.

**Claim Rejections under 35 USC § 103**

Claims 1 and 6-9 are rejected under 35 USC §103(a) as allegedly being unpatentable over Tachikawa '255 (US Patent No. 4,356,255) in view of Khanna '592 (US Patent No. 5,221,592), Canize '164 (US Patent No. 5,612,164), and Rahman '417 (US Patent No. 5,837,417).

Applicants traverse.

The instant invention shows unexpected results compared to any of Tachikawa '255, Khanna '592, Canize '164, or Rahman '417. Attached to this response please find a 37 CFR §1.132 declaration executed by Mr. Moriuma, one of the inventors of the instant invention. None of Tachikawa '255, Khanna '592, Canize '164, or Rahman '417 exemplify the use of thioxanthone compound as a component in the resist composition. Tachikawa '255 fails to disclose an article comprising a substrate comprising a silicon wafer and a positive resist composition.

The instantly claimed invention shows an excellent resist pattern having superior resolution by adding a thioxanthone compound to the positive resist composition. Tachikawa '255 discloses aromatic ketones including prinaphthenone, xanthone,

thioxanthone, benzanthrone, and the like, as possible components in its composition. However, Tachikawa '255 fails to exemplify a positive resist containing thioxanthone.

Thus, to show unexpectedly superior results of the present invention, Applicants herein submit experimental data in the form of a Rule 132 declaration. In the declaration, the Examiner's attention is drawn to page 4 of the declaration wherein the results of the tests are reproduced in tabular form. Applicants tested Example 1, which corresponds to the present invention containing a thioxanthone compound. Comparative Examples 1 to 3 are conducted in the same manner as in Example 1 except that the thioxanthone compound was replaced by perinaphthenone, 9-fluorenone or xanthone, respectively. Perinaphthenone and xanthone are both described in Tachikawa '255 as specific examples of aromatic ketones along with thioxanthone (Column 3, lines 10-15). Perinaphthenone and 9-fluorenone were used in Examples 2 and 3 in Tachikawa '255 for the Tachikawa '255 composition.

As can clearly be seen from the results in the declaration, Example 1 shows higher resolution than that of Comparative Examples 1 to 3. The Expectation is that all of the members of the Markush group as enumerated by Tachikawa '255 would produce similar results. In reality, the instant invention containing a thioxanthone compound is shown to have superior results to the other members of the Markush group. This result is indeed superior

and completely unexpected. In other words, the present invention shows unexpectedly superior results over the disclosure of Tachikawa '255.

Even if Khanna '592, Canize '164, and Rahman '417 are combined with Tachikawa '255, the unexpected results obtained by the present invention would never be arrived at by any combination (or all of them combined) of Khanna '592, Canize '164, and Rahman '417 because they have no description concerning a thioxanthone compound. Thus, the combination of Khanna '592, Canize '164, Rahman '417 and Tachikawa '255 cannot render obvious the instantly claimed invention. The rejection is inapposite. Withdrawal of the rejection is warranted and respectfully requested.

With the above remarks, Applicants believe that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact T. Benjamin Schroeder (Reg. No. 50,990) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

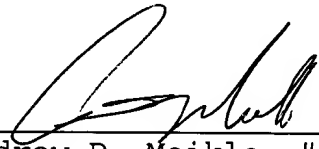
Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for one (1) month extension of time for filing a response in connection with the present application. The required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): 37 CFR §1.132 declaration